

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 10th day of November 2005, at 8:00 P.M., and there were

PRESENT: JOHN ABRAHAM, JR. MEMBER

 WILLIAM MARYNIEWSKI, MEMBER

 RICHARD QUINN, MEMBER

 ARLIE SCHWAN, MEMBER

 ROBERT THILL, MEMBER

 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: ANTHONY ESPOSITO, MEMBER

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK

 LEONARD CAMPISANO, ASST. BUILDING INSPECTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF HUNT REAL ESTATE

THE 1ST CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Hunt Real Estate, 1765 Como Park Boulevard, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a ground sign on premises owned by the petitioner at 1765 Como Park Boulevard, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster to permit the location of one ground sign five feet from the right of way along Como Park Boulevard.

Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster requires that a ground sign be located at least fifteen feet [15'] from a right of way. The petitioner, therefore, requests a ten foot [10'] set back variance from the right of way.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Planning of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Public Works, Division of Highway of the time and place of this public hearing.

Copy of a letter notifying Village of Depew of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Bill Severyn, petitioner
Branch Manager, Hunt Real Estate
1765 Como Park Boulevard
Lancaster, New York 14086

Proponent

Thomas Passmore, representative of
Edu Kids located east of the subject property
3585 Seneca Street
West Seneca, New York 14224

Cites safety concerns regarding size and
location of ground sign.

IN THE MATTER OF THE PETITION OF HUNT REAL ESTATE

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. QUINN, WHO MOVED ITS
ADOPTION, SECONDED BY MR. SCHWANN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Hunt Real Estate and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of November 2005, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicant is the present owner of the premises in question.

That the property for which the applicant is petitioning is within a Residential Commercial Office District, (RCO) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential Commercial Office District, (RCO) as specified in Chapter 50 of the Code of the Town of Lancaster.

That the Erie County Division of Planning did not comment on the proposed zoning action.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought as the sign which currently exists on the property east of the subject property is similarly situated.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is fairly substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	WAS ABSENT
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

November 10, 2005

PETITION OF JAMES P. HILL:

THE 2ND CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of James P. Hill, 736 Aurora Street, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a storage shed on premises owned by the petitioner at 736 Aurora Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster to permit construction of a storage shed within five feet [5'] of the existing detached garage.

Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster requires an accessory structure to be located ten feet [10'] from any other structure. The petitioner, therefore, requests a five foot [5'] variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

James P. Hill, petitioner
736 Aurora Street
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF JAMES P. HILL

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. ABRAHAM
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of James P. Hill and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of November 2005, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicant is the present owner of the premises in question.

That the property for which the applicant is petitioning is within a Residential District 1, (R1) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential District 1, (R1) as specified in Chapter 50 of the Code of the Town of Lancaster.

That the Erie County Division of Planning made no comment on the proposed zoning action.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That the location is the most unobtrusive

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial, however not problematic.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	WAS ABSENT
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

November 10, 2005

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:35 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: November 10, 2005